

Introduced by:

LOCAL LAW NO. \_\_\_\_ 15-2010

A LOCAL LAW PROHIBITING PERSONS FROM DEMONSTRATING WITHIN  
THREE HUNDRED (300) FEET OF FUNERAL RELATED EVENTS

Passed by the Nassau County Legislature on August 2, 2010

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on August 6, 2010 with the approval of the County Executive

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

§1. Short Title. This law shall be known as the "Law Against Disruption of Funeral Related Events" and shall appear in the Miscellaneous Laws of Nassau County as Title 77.

§2. Legislative Intent. This Legislature hereby finds and determines that the loss of a family member is an emotional trauma for the decedent's surviving family members.

This Legislature further finds that surviving family members have a significant interest in quietly mourning the loss of their loved one without being disrupted by those who are not mourning that loss.

This Legislature further finds that funeral related events have been disrupted by individuals who are demonstrating within close proximity to them.

This Legislature further finds that demonstrating at funerals related events prevents grieving family members from mourning their deceased loved one in peace.

This Legislature further finds that family members of the deceased frequently suffer emotional distress when demonstrations occur during, immediately before or after funeral related events.

This Legislature further finds that a full opportunity exists under the terms and provisions of this law for the exercise of free speech and other constitutional rights at times other than the period from one hour before the start of funeral related events until one hour after the completion of the same.

Therefore, the primary purpose of this law is to protect the privacy of grieving families and prevent the disruption of funeral related events and to maintain the peaceful nature of cemeteries and funeral locations by prohibiting demonstrations during, one hour before and one hour after funeral related events in the County of Nassau while protecting the First Amendment rights of individuals.

FORM APPROVED

MAJORITY COUNSEL

§3. Definitions. As used in this title:

- a. Demonstration: Picketing and other protest conduct, including but not limited to oration and speech with or without the use of sound amplification equipment or devices, and display of signs with or without verbal accompaniment.
- b. Funeral Related Event: Ceremonies, wakes, funerals, burials, Shiva, and other memorial services held in connection with the deceased person.

§4. Prohibitions. No person in the County of Nassau shall engage in a demonstration within three hundred (300) feet of any church, synagogue or other place of worship, mortuary, funeral home, cemetery, or other location at which a Funeral Related Event is being held within one hour prior to the commencement of any Funeral Related Event, during any Funeral Related Event, or until one hour following the completion of any Funeral Related Event.

§5. Enforcement: Any person who knowingly violates the provisions of this law shall be guilty of a misdemeanor punishable by a fine of up to \$1,000.00 and/or up to one year's imprisonment.

§6. Severability: If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§7. SEQRA Determination

It is hereby determined by the Nassau County Legislature, as lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required.

§8. Effective Date: This law shall take effect immediately after becoming a law.

**APPROVED**

  
**County Executive**

**DATE** 8/6/10